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1                   A bill to be entitled  
2           An act for the relief of Jennifer Wohlgemuth by the  
3           Pasco County Sheriff's Office; providing for an  
4           appropriation to compensate Jennifer Wohlgemuth, whose  
5           injuries were due to the negligence of an employee of  
6           the Pasco County Sheriff's Office; providing a  
7           limitation on the payment of fees and costs; providing  
8           an effective date.

9  
10           WHEREAS, in the early morning of January 3, 2005, 21-year-  
11           old Jennifer Wohlgemuth was driving her vehicle southbound on  
12           Regency Park Boulevard in Pasco County, observing the speed  
13           limit, and driving appropriately, and

14           WHEREAS, as Jennifer approached the intersection at Ridge  
15           Road, she slowed down as she entered the intersection on a green  
16           light. As Jennifer's vehicle proceeded through the intersection,  
17           it was suddenly and violently struck by a vehicle from the Pasco  
18           County Sheriff's Office which was driven by Deputy Kenneth  
19           Petrillo, and

20           WHEREAS, Deputy Petrillo was driving one of four law  
21           enforcement vehicles engaged in a high-speed pursuit. However,  
22           Deputy Petrillo's vehicle was well behind the other vehicles,  
23           which had already cleared the intersection. Deputy Petrillo had  
24           not activated his siren or flashing lights and drove through a  
25           red light as he traveled eastbound on Ridge Road at a speed of  
26           more than 20 miles per hour faster than the posted speed limit,  
27           striking the passenger side of Jennifer's vehicle, and

28           WHEREAS, none of the numerous witnesses to the crash heard

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29 Deputy Petrillo's siren or saw flashing lights, and after the  
30 crash Deputy Petrillo's siren switch was in the "radio" mode,  
31 which indicates that the siren was not activated at the time of  
32 the crash, and

33 WHEREAS, an internal affairs investigation into the  
34 accident found that Deputy Petrillo violated the policies of the  
35 Pasco County Sheriff's Office, and he was suspended for 30 days  
36 without pay and subjected to other disciplinary measures, and

37 WHEREAS, Jennifer suffered profound brain injuries,  
38 including a subdural hematoma of the right frontal lobe and  
39 subarachnoid hemorrhage. Due to her brain swelling, part of  
40 Jennifer's skull was removed. Jennifer was in a coma for 3 weeks  
41 and could not speak for several months thereafter, and

42 WHEREAS, Jennifer was unable to return home until August  
43 2005. As a result of the accident, she currently suffers from  
44 severe memory loss, partial loss of vision, lack of balance,  
45 urinary problems, anxiety, depression, dysarthric speech, acne,  
46 and weight fluctuations. Due to damage to her frontal lobe,  
47 Jennifer's behavior and impulse control are similar to those of  
48 a 7-year-old child. She requires supervision 24 hours a day, 7  
49 days a week. Because of her significant memory impairment and  
50 lack of judgment, Jennifer is unable to drive, work at a job, or  
51 live independently, and

52 WHEREAS, a 3-day bench trial was held in the Sixth Judicial  
53 Circuit, and on March 12, 2009, the trial court rendered a  
54 verdict in Jennifer's favor, awarding total damages of  
55 \$9,141,267.32, and

56 WHEREAS, the court found that Deputy Petrillo was 95

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57 | percent responsible for Jennifer's injuries and that Jennifer  
 58 | was responsible for the remaining 5 percent due to her alleged  
 59 | failure to wear a seat belt. On August 4, 2009, the trial court  
 60 | entered its amended final judgment in the amount of  
 61 | \$8,724,754.40, and

62 |         WHEREAS, the Pasco County Sheriff's Office appealed the  
 63 | amended final judgment to the Second District Court of Appeal.  
 64 | Both sides filed appellate briefs and oral arguments were heard  
 65 | on March 2, 2010. On March 10, 2010, the Second District Court  
 66 | of Appeal affirmed the trial court's final judgment, and

67 |         WHEREAS, according to s. 768.28, Florida Statutes, the  
 68 | Pasco County Sheriff's Office paid the statutory limit of  
 69 | \$100,000, and \$8,624,754.40 remains unpaid, NOW, THEREFORE,

70 |  
 71 | Be It Enacted by the Legislature of the State of Florida:

72 |  
 73 |         Section 1. The facts stated in the preamble to this act  
 74 | are found and declared to be true.

75 |         Section 2. The Pasco County Sheriff's Office is authorized  
 76 | and directed to appropriate from funds of the sheriff's office  
 77 | not otherwise appropriated and to draw a warrant, payable to  
 78 | Jennifer Wohlgemuth, for the amount of \$8,624,754.40 for  
 79 | injuries and damages sustained due to the negligence of an  
 80 | employee of the sheriff's office.

81 |         Section 3. The amount paid by the Pasco County Sheriff's  
 82 | Office pursuant to s. 768.28, Florida Statutes, and the amount  
 83 | awarded under this act are intended to provide the sole  
 84 | compensation for all present and future claims arising out of

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85 the factual situation described in this act which resulted in  
86 the injuries to Jennifer Wohlgemuth. The total amount paid for  
87 attorney fees, lobbying fees, costs, and other similar expenses  
88 relating to this claim may not exceed 25 percent of the amount  
89 awarded under this act.

90 Section 4. This act shall take effect upon becoming a law.